

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BEVERLY TRAN,

Plaintiff,

CIVIL ACTION NO. 07-CV-13232-DT

vs.

DISTRICT JUDGE BERNARD A. FRIEDMAN

**MICHIGAN DEP'T OF
HUMAN SERVICES, et al.,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

_____ /

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION TO COMPEL AND
MOTION FOR EVIDENTIARY HEARING**

This matter comes before the Court on Plaintiff's Motion to Compel Defendant Reizen to Respond to Complaint (docket no. 131) and Plaintiff's Motion for Evidentiary Hearing for Equitable Tolling (docket no. 132). No responses have been filed to these motions. All pretrial matters have been referred to the undersigned for decision. (Docket no. 3). The Court dispenses with oral argument on these motions, and they are ready for ruling.

The Court will dispense with oral argument on Defendant Reizen's Motion to Dismiss (docket no. 128) pursuant to E.D. Mich. LR 7.1(e). The Court also finds that there is no need for an evidentiary hearing on the issue of whether the running of the limitation period should be tolled in connection with Defendant's motion. Therefore, Plaintiff's Motion for Evidentiary Hearing will be denied.

Plaintiff also moves for the Court to order Defendant Reizen to respond to her Complaint. Defendant Reizen properly filed his Motion to Dismiss in lieu of a responsive pleading pursuant to Fed. R. Civ. P. 12(b)(6) and 12(a)(4). Accordingly, Plaintiff's motion will be denied.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel (docket no. 131) and Plaintiff's Motion for Evidentiary Hearing (docket no. 132) are **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: February 06, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Beverly Tran and Counsel of Record on this date.

Dated: February 06, 2009

s/ Lisa C. Bartlett
Courtroom Deputy